

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

HERIBERTO PALACIO,

Plaintiff,

v.

Civil Action No.
9:08-cv-858 (GLS/GHL)

LOFTON, BRIAN FISCHER,
SUPERINTENDENT

Defendants.

APPEARANCES:

OF COUNSEL:

FOR THE PLAINTIFF:

HERIBERTO PALACIO
Plaintiff, *Pro Se*
1475 Walton Ave. #3L
Bronx, New York 10452

FOR THE DEFENDANT:

HON. ANDREW M. CUOMO
Attorney General of the
State of New York
The Capitol
Albany, New York 12224-0341

DAVID L. COCHRAN, ESQ.
Assistant Attorney General

GARY L. SHARPE,
U.S. DISTRICT JUDGE

ORDER

The above-captioned matter comes to this court following an Report-Recommendation by Magistrate Judge George H. Lowe, duly filed July 28, 2010. Following ten days from the service thereof, the Clerk has sent the

file, including any and all objections filed by the parties herein.

No objections having been filed¹, and the court having reviewed the Magistrate Judge's Report-Recommendation for clear error, it is hereby

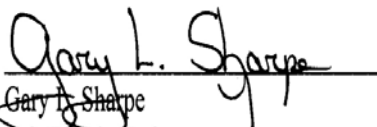
ORDERED, that the Report-Recommendation of Magistrate Judge George H. Lowe filed July 28, 2010 (Dkt. No. 36) is ACCEPTED in its entirety for the reasons state therein, and it is further

ORDERED, that defendants' motion for summary judgment (Dkt. No. 33) is GRANTED and that all claims against defendants Fischer and Superintendent is dismissed; and it is further

ORDERED, that the Clerk of the court serve a copy of this order upon the parties in accordance with this court's local rules.

IT IS SO ORDERED.

Dated: September 16, 2010
Albany, New York


Gary L. Sharpe
U.S. District Judge

¹On August 27, 2010, defendants Fischer and Superintendent advised the court in writing that they will not be filing any objections to the Order and Report-Recommendation filed on July 28, 2010. *See Dkt. No. 39.*